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08/889,033 07/07/97 FRAZZITTA

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EXAMINER

LM02/0307

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ART UNIT

PAPER NUMBER

2713

DATE MAILED:

03/07/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/889,033

Applicant(s)

Frazzitta

Examiner

Tung Vo

Group Art Unit

2713

☒ Responsive to communication(s) filed on Jan 6, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-46 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-46 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-46 filed 1/06/00 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

2. Drawings are objected to for failing to distinctly and clearly label on the elements with appropriate legend as required under 37CFR 1.84 (o).

### ***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 12, 13, 18, 19, 24-28, 37-42 are rejected under 35 U.S.C. 102(b) as being anticipate by Casale et al. (US 5,287,948).

Re claims 1-4, 18, 19, 24-28, 37-42, Cascale discloses a food delivery apparatus comprising a building (10 fig. 1) comprises an interior area which includes an interior wall extending therein, and

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an service provider (SP) station (second level housing) (14 of fig. 1) is housed in the interior area including:

a SP visual display, a SP CCTV camera, an SP audio transmitting device and an SP audio receiving device (col. 2, lines 27-56), and a delivery and receiving device (conveyor 90 of fig. 8) (col. 3, lines 24-68);

at least one customer station (the base housing) (12 of fig. 1) including:

a customer visual display (62 of fig. 12), wherein the customer visual is in operative connection with the SP CCTV camera, a customer CCTV camera in operative connection with the display, a customer audio transmitting device and a customer audio receiving device (speaker/microphone) (58 of fig. 12) in operation with the audio receiving device and SP audio transmitting device, respectively (col. 6, lines 29-35), and

a customer carrier delivery (90 of figs. 9-11, 14, 15) for delivery food from the second housing (14) to the base housing (12) when a service person receiving an order from the customer at the base housing (12),

wherein the apparatus is to provide a vertical pneumatic conveyor which takes up title space yet quickly delivers food products from the second housing (14) to the base housing (12) (col. 4, lines 13-16),

wherein the SP station (14) is housed inside the building (figs. 1 and 2) and at least one component of the SP station (see the SP camera, display) is in supporting connecting with said wall (the display is supposed to be connected to the wall where the service person can see the

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patron and the order ) (col. 6, lines 58 through 7, line 2), wherein the customer terminal comprises a frame (the drive in window inherently has a frame and an opening for the customer pick up food or product) and an opening (22 of fig. 1), the customer components (e.g. camera, display) are in supporting connection with the frame (col. 5, lines 7-54).

wherein the second housing (SP station) is inside the building (10) so the SP station is housed in a secure room (where the service person only )

Re claims 12, 13, Casale further discloses the food delivery apparatus further comprises a plurality of costumer stations (the first remotely locatable, and another remotely locatable) (col. 2, lines 11 and 36), wherein the SP station is in operative connection with a communication selector device (protestable menu and order display unit) (col. 6, lines 48-57), wherein at least one customer station comprises sensor (camera) to sense a person adjacent the customer station (col. 6, lines 33-36) includes an indicator (order received via menu and order display, when the customer presses on the menu display to order food ) (col. 6, lines 49-53).

5. Claims 1-11, 14-24, 28-39, 41-46 are rejected under 35 U.S.C. 102(b) as being anticipate by M.C McClure et al (US 3,294,342).

Re claims 1-11, 14-24, 28-39, 41-46, McClure discloses the same system comprising:

at least one customer station (Service Provider (SP) station) includes an SP display, an SP camera, SP audio transmitting device, an SP pneumatic tube; at least one customer sation includes a customer display, a customer camera, a customer audio transmitting device a customer pneumatic, a secure building as shown in figs.1 and 5. (See cols. 3 and 4).

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***Claim Rejections - 35 U.S.C. § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-11, 14-16, 20-23, 29-36, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casale et al. (US 5,287,948) in view of M.C McClure et al (US 3,294,342).

Re claims 5-11, 14-16, 20-23, 43-46, Casale discloses the apparatus for delivery food or product from the second housing to the base housing using the pneumatic conveyor, and the customer at the base housing is able to pick up or order food or product at window (20) having column (28) which contains food or product. However, Casale fails to particularly disclose a cover is movably mounted on the frame and movable to enable access the opening in supporting to connect with the wall , a door frame, one hinge, a subframe, shelf, one storage location as specified in claims 5-11, 14-16, 20-23, 43, 45. M.C. McClure teaches a service banking equipment (figs. 1-5) having a customer station (10), the service station (18) and a pneumatic tube which carrier (51) which move the capsule (40) from the customer station to the service station. M.C. McClure further disclose the costumer station having terminal which comprises a cover (36) (the door carries the capsule) mounted on the frame to enable access to the opening (26') (col. 4, lines 24-34); a door frame (wherein the door (36) is connected to), one hinge, and a subframe are inherently in the art (fig. 1), wherein the cover includes a generally horizontal

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extending shelf wherein the door (36) is open in position (36') the customer is enable to conduct writing or other activities on said shelf (col. 4, lines 31-33) and at least one storage (a hollow cartridge), and switching device in operative connection with the service station (46), wherein the service station is a secure room (the teller station (18) is inside the bank which is a secure room). Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of McClure into the customer station and the service provider of Casale in the same arrangement as claimed for the same purpose of serving the costumer at the remote location in order to reduce time, and improve the productivity of servicing person by serving more than one customer at a time and contact the customer.

Re claims 29-36, see claims 5-11.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cascale et al. (US 5,287,948) in view of M.C McClure et al (US 3,294,342), as applied in claims 1-16, and further in view of Kaehler (US 5,798,931).

Re claim 17, the combination of Casale and McClure fails to particularly disclose a computer for storing data base at the service station. However the used of the computer for storing data base at the service station is well known in the art as taught by Keahler (26 of fig. 1). Therefore, one skilled in the art would obviously modify the computer (26) to the service station for storing data base for later review.

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*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sherry (US 4,398,212) discloses a shipping container for closed circuit television system.

*Contact Information*

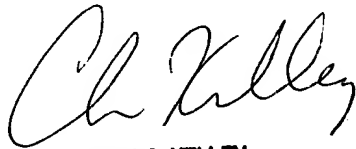
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tung Vo., whose telephone number is (703) 308-5874 and E-mail is "[tung.vo@uspto.gov](mailto:tung.vo@uspto.gov)". The examiner can normally be reached on Monday to Friday from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley, can be reached on (703) 305-4856. The fax number for submitting formal communications is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

T. Vo.

March 1, 2000

  
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